

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**BRIAN DOUGHERTY, et al.,
Plaintiffs,**

v.

Case No. 05C0584

**TAVERN LEAGUE OF
WISCONSIN, INC., et al.,
Defendants.**

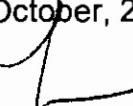
MEMORANDUM

On October 5, 2005, plaintiffs brought this putative class action alleging defendants violated federal antitrust laws. Between November 22, 2005 and March 14, 2006, defendants filed several motions to dismiss the complaint. On September 5, 2006, the case was stayed pending resolution of an appeal of a related state court case. That appeal was resolved on May 6, 2008. Since then, the parties have engaged in fruitful settlement discussions. The motions to dismiss are still pending. No party has filed an answer or a motion for summary judgment. No motion for class certification was ever filed, and no class was ever certified.

On June 17, 2008, plaintiffs filed a stipulation of voluntary dismissal of several of the defendants: Tavern League of Wisconsin, Inc., Robert Wood Johnson Foundation, Timothy Bruer, Marinus Petri, and Chancellor John Wiley. No party has objected to the dismissal of those defendants. Further, on October 6, 2008, the remaining parties in this matter notified the court that they had reached a settlement on all claims in this action and agreed to dismiss the action with prejudice. They filed a stipulation of dismissal to this

effect. Because a class was never certified pursuant to Fed. R. Civ. P. 23, notice to potential class members is not required, cf. Fed. R. Civ. P. 23(e), and Rule 41 therefore governs the stipulated dismissal. Although under Rule 41(a)(1)(A) my approval may not be required, both because it appears that no party has yet to file an answer or a motion for summary judgment and because all remaining parties who have appeared in the action have signed the stipulation, the parties request that I approve the stipulations. Thus, I will adopt the parties' stipulations. I write merely to note that the October 6, 2008 stipulation's dismissal with prejudice binds only the named plaintiffs and defendants who have signed the stipulation, either personally or through counsel, and is not binding on anyone not a party to this litigation.

Dated at Milwaukee, Wisconsin this 23 of October, 2008.



LYNN ADELMAN
District Judge